

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 14 CR 3609 JB

v.

BENTLEY STREETT,

Defendant.

**UNOPPOSED MOTION TO AMEND STIPULATED SENTENCING PLEADINGS
SCHEDULING ORDER**

COMES NOW Defendant Bentley Streett, by and through his counsel, Paul M. Linnenburger of Rothstein Donatelli LLP, and respectfully requests the Court amend the Stipulated Sentencing Pleadings Scheduling Order entered May 27, 2021, and continue this matter for final sentencing hearing for a period of sixty (60) days. In support of thereof, Mr. Streett states as follows:

1. On October 3, 2014, Mr. Streett was arrested and charged via Criminal Complaint with violations of 18 U.S.C. §2422(b), §1470 and §2251(a) and (e). (Doc. 1).

2. On December 7, 2018, Mr. Streett entered a conditional plea before United States Magistrate Judge Karen B. Monzen. (Doc. 185).

3. Following litigation on a motion to withdraw the plea and withdrawal of a second such motion, the parties conferred to provide a Stipulated Sentencing Pleadings Scheduling Order which was entered by the Court on May 27, 2021.

4. Pursuant to said Scheduling Order, the parties were to concurrently submit sentencing memoranda on August 5, 2021, and a sentencing hearing was to be conducted on

August 19, 2021.

5. In late July, undersigned counsel notified the Government that the defense would require a continuance of remaining sentencing deadlines in this matter to complete mitigation work and because defense counsel was unexpectedly unavailable for an unknown period of time due to a serious family medical situation that remains ongoing.

6. In order to provide a full and appropriate sentencing presentation to the Court, the defense procured mitigation evidence which was not available for consideration until August 6, 2021.

7. Defense counsel's availability has been extremely hampered for a period of approximately two weeks due to the need to attend to said serious family medical situation. As a result, counsel has not had an opportunity to prepare an appropriate and complete sentencing memorandum for the Court.

8. Counsel apologizes for the delay in filing this motion and alerting the Court to the need for this continuance as he has been attempting to determine when he will be in a position to return his attention fully to the matters presented in this case for sentencing.

9. The defense requests this Court amend the Scheduling Order to call for contemporaneous filing of sentencing memoranda in thirty (30) days.

10. In order to provide the Court sufficient time to consider the filings and for the parties to prepare for sentencing, including the potential need to arrange for witness participation if necessary, the defense requests this matter be continued and set for sentencing in approximately sixty (60) days from the current sentencing date of August 19, 2021 (mid-to-late October).

11. Counsel believes the above requested time is necessary to meaningfully prepare and complete an appropriate sentencing memorandum, including consideration of recently

obtained mitigation material, to disclose all necessary materials, and to ensure counsel's availability.

12. Counsel affirmatively represents to this Court that he has discussed at length the requested continuance and reasons therefor with Defendant and that Defendant is agreement therewith.

13. Undersigned counsel contacted Assistant United States Attorney Sarah J. Mease concerning this Motion and the relief requested herein and Ms. Mease indicated she has no objection thereto.

WHEREFORE, Defendant Bentley Streett respectfully requests that the Court amend the Sentencing Pleadings Scheduling Order as set forth herein.

Respectfully submitted:

ROTHSTEIN DONATELLI LLP

/s/ Paul M. Linnenburger

By:

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Attorney for Defendant Bentley Streett

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th day of August, 2021, I filed this pleading electronically through the CM/ECF system, which caused the following counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Sarah J. Mease
U.S. Attorney's Office
District of New Mexico
201 Third Street NW
Albuquerque, New Mexico 87102

/s/ Paul M. Linnenburger

Rothstein Donatelli LLP